

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

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U.S. DIST. COURT  
WEST. DIST. OF MO  
KANSAS CITY, MO

Eric Bowers

*Plaintiff(s)*

-v-

Taylor Payton & Associates LLC

and

Derek McGrath

*Defendant(s)*

Civil Action 4:19-cv-00144-FJG

SUMMARY JUDGEMENT RESPONSE

I. Parties Filing This Answer to the Summary Judgement

Name	Derek McGrath (Taylor Payton & Associates LLC)
Street Address	2300 Main Street 9 <sup>th</sup> Floor
City and County	Kansas City (Jackson County)
State and Zip Code	MO, 64108
Telephone Number	(816) 945-6789
E-mail Address	derek@taylorpayton.com

## II. Answer to Summary Judgement

- A. The plaintiff has not provided proof of any wrongdoing by me personally, in any way, and I want to defend myself against this claim.
- B. I agreed to the terms of Arbitration/Mediation via a no charge session in Columbia, and the plaintiff's attorneys went against that agreement, and retained a firm that charged a \$300 fee anyway, knowing that was not an option for me due to fiscal reasons. The email agreeing to terms was provided as to proof of the plaintiff's attorney not proceeding in a good faith effort, but in fact looking for ways to subvert this legal process.
- C. I have provided many documents to the plaintiff's attorney including precise revenue documents and web traffic analytics showing there were virtually no visitor traffic to the website, only those working on the website, and no revenue during the time this supposed image was used.
- D. I have asked for many documents and those requests have gone ignored by the plaintiff's attorney.
- E. The plaintiff has not proven that the image in question was actually used and posted by me, or by Taylor Payton Investigations, and the plaintiff's attorneys are using this lawsuit to run up legal fees in hopes of a monetary gain from a small business via a granted Summary Judgement.
- F. I had made a good faith effort to settle this claim for \$350, then upped that to \$1,000, which is so high that no small business could have a website if they paid that much for an individual image. The plaintiff and his attorneys are not acting in good faith since the begging of this claim. The attorney did not even present my initial offer to their client until after I asked if the plaintiff declined the offer, or if they declined it for him.
- G. I have a right to defend myself against the plaintiff's baseless unproven allegations against me, and want to do so vigorously. If these types of shakedown troll cases continue, and small business are put out of business because unscrupulous law firms running up legal fees on claims the small business can't pay because the amount is ridiculous to begin with, these law firms will continue to run this scam and hurt others. I plead with the Court to allow this case to continue so that I can defend myself in good faith.

Date of signing: December 4, 2019

Signature of Defendant

Printed Name of Defendant Derek McGrath

